

Remarks

Claims 1 and 2 are pending in the subject application. By this amendment, claim 1 has been amended to specify that the nitride layer and the first oxide layer remain on the substrate only below the spacers. Support for this amendment can be found, at least, at Fig. 2d. No new matter has been introduced by this amendment. Upon entry of this amendment, claims 1 and 2 will be before the Examiner. Favorable consideration of the pending claims is respectfully requested.

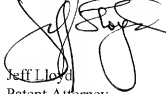
Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oda (U.S. 5,472,890) in view of Kakimoto *et al.* (U.S. 5,166,087). Applicant respectfully requests reconsideration. Oda, alone or in combination with Kakimoto *et al.*, fails to teach removing the nitride layer and the first oxide layer on the surface of the substrate such that the nitride layer and the first oxide layer remain on the substrate only below the spacers as specified in amended claim 1. Rather, Oda merely teaches removing a nitride layer and an oxide layer on the surface of the substrate to provide a via for a source/drain contact. Specifically, Oda at col. 4, lines 44-48, states “Next, contact openings reaching the respective parts of the source region **108** and the drain region **109** are formed by RIE by sequentially etching the insulating layer **110A**, the silicon nitride film **136**, the silicon oxide film **126**, and the gate oxide film **103**.” Accordingly, the nitride layer and the first oxide layer of Oda do **not** remain on the substrate **only below** the spacers. Furthermore, a contact opening etch cannot remove the nitride layer and the first oxide layer such that they remain only below the spacers. Kakimoto *et al.* fails to cure this deficiency. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. §103(a).

In view of the foregoing, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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